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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/775,101	02/01/2001	Yuji Kitamura	08980-00005	6976

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KATTEN MUCHIN ZAVIS  
Suite 1600  
525 West Monroe Street  
Chicago, IL 60661

EXAMINER

BANGACHON, WILLIAM L

ART UNIT PAPER NUMBER

2635

DATE MAILED: 04/22/2004

5

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/775,101

Applicant(s)

KITAMURA, YUJI

Examiner

William Bangachon

Art Unit

2635

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 26 January 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-45 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-45 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

**DETAILED ACTION*****Response to Arguments***

1. Applicant's arguments have been fully considered but they are not persuasive.

In response to applicant's argument that "**Anthonyson does not disclose a tracking station and a tracking station identification**" (page 12, lines 2-5), a recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. If the prior art structure is capable of performing the intended use, then it meets the claim. In a claim drawn to a process of making, the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963). In this case, any of the computers 120, 112, or 124 of Anthonyson is a tracking station {col. 5, lines 19-23}. As shown in figure 1, entrance lane controller PC (120) tracks all the vehicles entering the parking lot {Anthonyson, col. 4, lines 15-29}, exit lane controller PC (124) tracks all the vehicles exiting the parking lot {Anthonyson, col. 4, line 61-col. 5, line 8}, and host computer 112 tracks all the vehicles entering and leaving the parking lot {Anthonyson, col. 4, lines 30-47; col. 5, line 39-col. 6, line 2; col. 7, line 45-col. 8, line 55}.

The examiner respectfully traverse applicant's arguments (sentence bridging pages 11 and 12, page 13, lines 9-12) that "**Anthonyson does not disclose obtaining from an identifier (132 or 140) both an item-identification (vehicle identification**

Art Unit: 2635

**number, date and time of day, lane number) of an item (vehicle or date or product) and a tracking-station-identification (entrance or exit lane) of a tracking station (entrance lane controller PC (120) or exit lane controller PC (124)) related to the item (vehicle).**” Clearly, the host computer (112) has to be able to distinguish between the entrance and exit lanes (tracking stations). In that, the host computer (112) has to be able to identify between the entrance and exit lanes so that it knows which gate to open or which gate not to open, when and how much to charge a customer based on time spent on the parking lot, etc {Anthonyson, col. 5, lines 55-67}. And in the case of the entrance lane, the host computer has to be able to assign a lane number for the vehicle entering the parking lot {Anthonyson, col. 4, lines 30-47}. The operation of the entrance lane is shown in figure 3, while the operation of the exit lane is shown in figure 4.

Further, the examiner respectfully traverses applicant’s arguments (page 13, lines 12-16) that **“Anthonyson fails to disclose a gate comprising a detector ...”**. As clearly shown in figure 1, the gate at the entrance lane is labeled 138 comprising a detector/sensor (132). The gate at the exit lane is labeled 140 comprising a detector/sensor 140.

2. Finally, applicant's arguments with respect to claims 38-45 have been considered but are moot in view of the new ground(s) of rejection.

Art Unit: 2635

***Claim Rejections - 35 USC § 102***

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

6. Claims 1-22, 24, 26-38, and 41-42 are rejected under 35 U.S.C. 102(e) as being anticipated by US RE37,822 E (Anthonyson).

Art Unit: 2635

Claims 1-18 and 37, recites a method for practicing claims 19-35 and therefore rejected for the same reasons as shown below.

In claims 19-22, 24, 26, 38, and 41-42, Anthonyson teaches of a system for tracking an item {col. 8, lines 30-55}, the system comprising:

a tracking station (host computer 112, entrance lane controller 120, exit lane controller 124) associated with the item/vehicle/lane {figure 1; col. 2, lines 22-31; col. 4, lines 39-59; col. 5, lines 19-23; col. 6, lines 35-65};

an identifier for specifying an item-identification (vehicle identification number, time and date, lane number) of the item and a tracking station-identification (entrance or exit lane) of the tracking station {figures 3 and 4; col. 5, lines 13-29; col. 7, lines 11-17}; and

a gate (138, 146) coupled with the tracking station for obtaining the item-identification of the item and the tracking-station-identification of the tracking station and communicating the obtained item-identification and a gate-identification of the gate to the tracking station identified by the tracking-station-identification {paragraph bridging cols. 4 and 5}.

In claims 27, 28, 35, the system further comprising at least one additional gate and at least one additional tracking station, wherein each item is associated with a particular one of the tracking stations, and wherein each gate obtains from the identifier

Art Unit: 2635

of any item approaching that gate the item-identification of that item and communicates said item identification to the particular one of the tracking stations together with a gate - identification of the gate {col. 3, lines 56-63; col. 5, lines 13-57; paragraph bridging cols. 6 and 7}.

In claims 29, 32, and 34, the gate further communicates to the tracking station an indication of time of detection of the item-identification {col. 7, line 41-col. 8, line 9}.

In claims 30, 31, and 33, the system of claim 19, wherein the gate-identification of the gate comprises an alphanumerical value from which the tracking station can determine the geographical location of the gate {col. 5, lines 24-29; paragraph bridging cols. 6 and 7; col. 8, lines 62-65}.

Claim 36 recites the combination of claims 19 and 27 and there rejected for the same reasons.

7. Claims 23, 25, 39-40, and 43-45 are rejected under 35 U.S.C. 103(a) as being unpatentable over US RE37,822 E (Anthonyson) in view of US 6,340,935 (Hall).

With regards to claims 23, 25, 39-40, and 43-45, Anthonyson does not disclose expressly an Internet Protocol addressing. Internet protocol addressing is conventional and has been used as a guide to determine individual addresses for computers hooked

Art Unit: 2635

up in the Internet. Routing addresses through the Internet allows a computer user to communicate with other computers through existing telephone wires. Clearly, these features are desirable in the system of Anthonyson when managing the plurality of remote parking facilities (20-100) such as the system of Hall. Hall teaches computerized parking facility management wherein parking information is routed through the Internet {Hall, abstract}. The system of Anthonyson and Hall are analogous art because they are from same field of endeavor, parking management. Therefore, at the time of the invention, it would have been obvious to one of ordinary skill in the art to have used internet protocol addressing in the system of Anthonyson because these allows the system to manage the plurality of remote parking facilities over long distances without having to hardwire said facilities.

### ***Conclusion***

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action (addition of new claims 38-45). Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any



Art Unit: 2635

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

US 6570487, 6442530, 5708423, and 5682142 are cited in that these patents teach of tracking, monitoring and conveying item location (see whole document).

***Examiner Contact Information***

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to William Bangachon whose telephone number is 703-305-2701. The examiner can normally be reached on 4/4/10.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael Horabik can be reached on 703-305-4704. The fax phone numbers for the organization where this application or proceeding is assigned is 703-872-9314 for regular and After Final formal communications. The examiner's fax number is 703-746-6071 for informal communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-305-4700.

Application/Control Number: 09/775,101  
Art Unit: 2635

Page 9

William L Bangachon  
Examiner  
Art Unit 2635

April 19, 2004

MICHAEL HORABIK  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 2600

A handwritten signature in black ink, appearing to read "Michael Horabik", written in a cursive style.